

Remarks

This amendment is in response to the Office Action mailed on April 27, 2006. Applicant gratefully acknowledges the indication of allowable subject matter in claim 6. Claim 6 is being amended, claims 17-33 are being cancelled, and claims 34 and 35 are being added. In view of the following remarks and above amendments, Applicant respectfully requests reconsideration and allowance of claims 1-16, 34, and 35.

In the Office Action, claims 1-5, 7-9, 11, and 16 were rejected under 35 U.S.C. §102(b) as being anticipated by Kilby et al. (U.S. Pat. No. 6,257,397). Kilby et al. discloses a proofing and baking conveyor module which is significantly different from a module conveyor belt disclosed in the present application. The module disclosed in Kilby et al. includes side walls spaced in a direction transverse to the direction of travel of the conveyor module. The end of each side wall is spaced from another end of a side wall in a direction transverse to the direction of travel of the conveyor module and define a space therebetween. A pin extending between a space defined between the link ends joins the side walls to a connection member connector the side walls to other side walls. The Office Action asserts that each end of each side wall is a hinge element. A roller is retained in the space between the side walls, and not in a space defined between the ends of the side walls, or hinge elements.

Claim 1 of the present application includes the limitation of a second hinge element spaced from the first hinge element and defining a space therebetween; and a roller retained in the space. In particular, claim 1 requires the roller be retained in the space defined between the first and second link ends. In the embodiments disclosed in the present application, the first and second hinge elements of each roller cradle includes opposing faces between which the space is defined.

The roller disclosed in Kilby et al. is retained in a space defined by a middle portion of the side walls, and not in a space defined between hinge elements. The hinge elements, or ends of the side walls, disclosed in Kilby et al. have opposing faces which define a space therebetween. The space, however, is at the ends of the side walls. The roller disclosed in Kilby et al. is retained in the space defined by the middle portion of the side walls and not retained in the space defined by the hinge elements at the ends of the side walls. Accordingly,

Kilby et al. does not disclose all of the elements of claim 1, and claim 1 is believed allowable. Claims 2-5, 7-9, 11, and 16 depend from claim 1. Accordingly, withdrawal of the rejection of claims 1-5, 7-9, 11, and 16 under 35 U.S.C. §102(b) is respectfully requested.

In the Office Action, claims 1-5, 7-9, 11, 13, 15, and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kilby et al. As discussed above, Kilby et al. fails to disclose a roller retained in a spaced defined between link ends, as required in claim 1 of the present application. Claims 2-5, 7-9, 11, 13, 15, and 16 depend from claim 1. Accordingly, withdrawal of the rejection of claims 1-5, 7-9, 11, 13, 15, and 16 under 35 U.S.C. §103(a) is respectfully requested.

In the Office Action, claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 6 is being rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, allowance of claim 6 is respectfully requested.

New generic claim 34 is being added, and include all of the limitations of claim 1 with the additional limitation of the second hinge element being spaced from the first hinge element in the direction of travel. New generic claim 35 depends from claim 34, and includes the additional limitations of a first half including a first hinge element extending transverse to the direction of travel and a second half formed separately from said first half and including a second hinge element extending transverse to the direction of travel. Hinge elements spaced in the direction of travel and extending transverse to the direction of travel is clearly shown in each of Figs. 1-14, and is thus not new matter.

The ends of the side walls disclosed in Kilby et al. extend only in the direction of conveyor travel, and not transverse to the direction of travel, as claimed new claim 35. Moreover, the ends of the side walls are spaced transverse to the direction of travel, and not in the direction of travel, as required in new claim 34. Accordingly, Kilby et al. does not disclose all of the elements of new claims 34 and 35. Accordingly, allowance of new claims 34 and 35 are respectfully requested.

In view of the above remarks, amendment to claim 6, and cancellation of claims 17-33, Applicant respectfully requests reconsideration and allowance of claims 1-16 and consideration of claims 34 and 35. No additional fees for filing this response are believed to be due. However, if such fees are due, the Commissioner is hereby authorized to charge them to deposit account no. 17-0055.

Respectfully submitted,



Daniel G. Radler  
Reg. No. 43,028  
Quarles & Brady LLP  
411 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202  
Tel. No. (414) 277-5000